

1 AN ORDINANCE approving the incorporation of
2 legislative amendments to the Conservancy
3 District Statutes, and authorizing such
4 legal action as is necessary to conform
5 the present Petition to Establish a
6 Conservancy District and prosecute the
7 same to the complete establishment of
8 a Conservancy District.

9 WHEREAS, on the 23rd day of November, 1982, the
10 Common Council of the City of Fort Wayne passed Special Ordinance
11 No. S-217-82, which Ordinance approved the form of a Petition to
12 Establish a Conservancy District, and authorized its filing; and

13 WHEREAS, since the filing of said Petition, the
14 Indiana Legislature has made some significant changes in the law
15 regarding the establishment, boundaries, and management of
16 conservancy districts, to-wit:

17 1. Imposed a limit of \$.20 per \$100 of assessed
18 valuation for the Special Benefits Tax;

19 2. Added advisory members to the board of
20 directors;

21 3. Required review of the Conservancy District
22 budget by the County fiscal body;

23 4. Placed a limitation on the jurisdiction and
24 taxing authority of the Conservancy District;

25 5. Made changes in the method of appointing and
26 electing board members; and

27 WHEREAS, the pending Petition could not be finally
28 approved by the court before which the Petition is pending
29 until after the effective date of said legislation; and

30 WHEREAS, the court before which the present Petition
31 is pending may establish a Conservancy District with an area,
32 requirements, procedures, and authority different from, and
potentially in conflict with, that requested and approved in
the original Petition which was specifically reviewed
by the Common Council, and

1 WHEREAS, Corporation Counsel (City Attorney) for
2 the City of Fort Wayne has requested specific approval of an
3 Amended Petition which incorporates the legislative changes,
4 and has requested specific Common Council approval for the
5 establishment of a Conservancy District which would be subject
6 to all legislative changes and amendments; and has requested
7 authority to take all necessary steps to establish a Conservancy
8 District in conformance with all legislative changes.

9 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
10 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

11 SECTION 1. That the legislative changes in the
12 Conservancy District Statutes do affect the jurisdiction and
13 authority of the District, as well as the composition and method
14 of election of board of directors for said Conservancy District.

15 SECTION 2. That the legislative changes also
16 affect the taxing authority of the District in that the special
17 benefits tax limitation previously established by this Common
18 Council has been reduced by \$.10 per \$100 of assessed valuation.

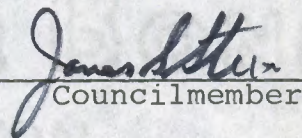
19 SECTION 3. That the Common Council has reviewed
20 the legislative changes in light of the pending Petition to
21 Establish a Conservancy District, and hereby reaffirms and
22 incorporates by reference Sections 1 and 2 of Special Ordinance
23 No. S-217-82.

24 SECTION 4. That the Corporation Counsel (City
25 Attorney) for the City of Fort Wayne is hereby granted Council
26 approval to take such steps as are necessary to establish a
27 Conservancy District in conformance with all legislative
28 amendments, which authority includes, but is not limited to,
29 the withdrawal of the Petition presently pending before the Allen
30 County Circuit Court; the filing of a new Petition with the Allen
31 County Circuit Court; the amending of the Petition presently pending
32 before the Allen County Circuit Court; and the amending of any

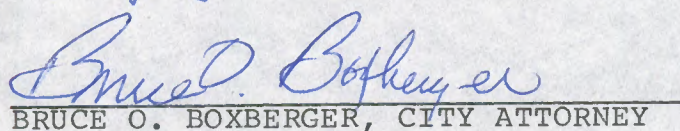
1 and all notices or other legal requirements for the complete
2 establishment of the Conservancy District within Allen County.

3 SECTION 5. That the attached Amended Petition
4 for Establishment is hereby approved and ratified in all
5 respects and is made a part hereof by reference and two
6 copies of same are on file with the City Clerk and available
7 for public inspection.

8 SECTION 6. That this Ordinance shall be in full
9 force and effect from and after its passage and any and all
10 necessary approval by the Mayor.

11
12 
13 Councilmember

14 APPROVED AS TO FORM AND
15 LEGALITY THIS 8th DAY
16 OF July, 1983.

17 
18 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M., E.S.T.

DATE: _____

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-26-83

Sandra E. Kennedy
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) NO. S-149-83 on the 26th day of July, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy

CITY CLERK

Ray A. Ebert

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of July, 1983, at the hour of 11:30 o'clock PM.M., E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 28th day of July, 1983, at the hour of 10 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT
CAUSE NO. CC-83-63

IN RE: THE MATTER OF THE CITY OF FORT WAYNE'S)
)
PETITION TO ESTABLISH A CONSERVANCY DISTRICT)

AMENDED PETITION FOR ESTABLISHMENT

COMES NOW, THE CITY OF FORT WAYNE, by counsel, and petitions the Court for an Order approving the establishment of a conservancy district pursuant to I.C. 13-3-3-1, et seq., as amended. In support of this petition it is stated:

1. That I.C. 13-3-3-1 et seq., as amended, provides for the establishment of a conservancy district;

2. That this Court has exclusive jurisdiction over a petition to establish a conservancy district pursuant to I.C. 13-3-3-14;

3. That said statute further provides that a municipality may petition, or join in a petition for the establishment of a conservancy district involving property wholly or partially within the corporate limits of said municipality; provided, however, that in establishing the boundaries for said district, the Court considers all water sheds affected by the flooding waters;

4. That the Common Council for the City of Fort Wayne did, on the ____ day of _____, 1983, pass an ordinance, referred to as Bill No. _____, approving this amended petition and authorizing its filing on behalf of the City of Fort Wayne;

5. That the name for the proposed district is the "Allen County Conservancy District";

6. That the area proposed to be included in the district is all land comprising the St. Marys, St. Joseph and Maumee watershed areas which lies within the established boundaries of Allen County,

Indiana, including all of the incorporated area of the City of Fort Wayne. The municipalities of New Haven, Grabill, Huntertown, Monroeville, and Woodburn, may also be included if they elect to join in this petition, or separately petition for inclusion in the district;

7. That the district is to be established for the specific purposes of flood prevention and control;

8. That such a conservancy district is necessary to accomplish the above-stated purposes to protect the citizens and property of Fort Wayne and surrounding areas from injury and damage, and to relieve or eliminate the adverse economic impact caused by flooding;

9. That the costs and damages of and to be paid solely by the district will probably be less than the benefits received in the district;

10. That the creation of the conservancy district will be conducive to public health, safety and welfare;

11. That neither the federal or state governments have offered a grant of funds in conjunction with the establishment of the proposed conservancy district, and neither this petition, nor the establishment of the district, is conditioned upon the receipt of federal or state funds. However, should federal or state aid be offered, it is anticipated, that conditions attached to said aid would be acceptable.

12. That the petitioner proposes that the establishment, maintenance, operation and improvement of the works necessary to accomplish the purposes of the conservancy district would be funded by: (1) an annual levy of special benefits tax not to exceed \$.20 per \$100 of assessed evaluation of real property; (2) the assessment of land found to be exceptionally benefited; and

(3) such other state or federal funds as may be available. Should any other method provided by statute be used to fund the maintenance, operation and improvement of the works necessary to accomplish the purposes of the proposed conservancy district, the proportion between the tax and the assessment would be in approximately the same ratio as used to pay the cost of establishing the district and placing the district plan into operation.

13. That the proposed conservancy district will have nine (9) areas, and one (1) director for each such area. Further, said Board of Directors shall additionally include, as advisory members of the board with all privileges except the right to vote, the following:

- (a) The City Engineer of each second class city inn the district;
- (b) The County Surveyor of the county;
- (c) The Chairman of the County Soil & Water Conservation District.

14. That the Board of Directors of said proposed district shall submit an estimated budget to the county fiscal body at least ten (10) days before public hearing on the estimated budget held under I.C. 6-1.1-17-3. Said county fiscal body shall hold a public hearing, and shall not have the authority to increase any item in the budget, but may lower budgeted items as thought necessary. In no case, may the Board of Directors of the conservancy district approve a total budget in excess of the amount approved by the county fiscal body.

WHEREFORE, the City of Fort Wayne, prays and requests that the Court examine this petition as to form and statutory requirements, and, if proper, refer this petition to the National Resource Commission of Indiana for consideration, and for all other just and proper relief in the premises.

Bruce O. Boxberger, City Attorney
(Corporation Counsel) City of Fort Wayne

BILL NO. S-83-07-22

SPECIAL ORDINANCE NO. S-149-83

AN ORDINANCE approving the incorporation of legislative amendments to the Conservancy District Statutes, and authorizing such legal action as is necessary to conform the present Petition to Establish a Conservancy District and prosecute the same to the complete establishment of a Conservancy District

WHEREAS, on the 23rd day of November, 1982, the Common Council of the City of Fort Wayne passed Special Ordinance No. S-217-82, which Ordinance approved the form of a Petition to Establish a Conservancy District, and authorized its filing; and

WHEREAS, since the filing of said Petition, the Indiana Legislature has made some significant changes in the law regarding the establishment, boundaries, and management of conservancy districts, to-wit:

1. Imposed a limit of \$.20 per \$100 of assessed valuation for the Special Benefits Tax;
 2. Added advisory members to the board of directors;
 3. Required review of the Conservancy District budget by the County fiscal body;
 4. Placed a limitation on the jurisdiction and taxing authority of the Conservancy District;
 5. Made changes in the method of appointing and electing board members;
- and

WHEREAS, the pending Petition could not be finally approved by the court before which the Petition is pending until after the effective date of said legislation; and

WHEREAS, the court before which the present Petition is pending may establish a Conservancy District with an area, requirements, procedures, and authority different from, and potentially in conflict with, that requested and approved in the original petition which was specifically reviewed by the Common Council, and

WHEREAS, Corporation Counsel (City Attorney) for the City of Fort Wayne has requested specific approval of an Amended Petition which incorporates the legislative changes, and has requested specific Common Council approval for the establishment of a Conservancy District which would be subject to all legislative changes and amendments; and has requested authority to take all necessary steps to establish a Conservancy District in conformance with all legislative changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the legislative changes in the Conservancy District Statutes do affect the jurisdiction and authority of the District, as well as the composition and method of election of board of directors for said Conservancy District.

SECTION 2. That the legislative changes also affect the taxing authority of the District in that the special benefits tax limitation previously established by this Common Council has been reduced by \$.10 per \$100 of assessed valuation.

SECTION 3. That the Common Council has reviewed the legislative changes in light of the pending Petition to Establish a Conservancy District, and hereby reaffirms and incorporates by reference Sections 1 and 2 of Special Ordinance No. S-217-82.

SECTION 4. That the Corporation Counsel (City Attorney) for the City of Fort Wayne is hereby granted Council approval to take such steps as are necessary to establish a Conservancy District in conformance with all legislative amendments, which authority includes, but is not limited to, the withdrawal of the Petition presently pending before the Allen County Circuit Court; the filing of a new Petition with the Allen County Circuit Court; the amending of the Petition presently pending before the Allen County Circuit Court; and the amending of any and all notices or other legal requirements for the complete establishment of the Conservancy District within Allen County.

SECTION 5. That the attached Amended Petition for Establishment is hereby approved and ratified in all respects and is made a part hereof by reference and two copies of same are on file with the City Clerk and available for public inspection.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg,
Scruggs, Stier, Talarico

NAYS: None

Date: 7-26-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-149-83 on the 26th day of July, 1983

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of July, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 28th day of July, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-07-25

REPORT OF THE COMMITTEE ON COMMITTEE OF THE WHOLE

We, your Committee on Committee of the WHole to whom was referred an Ordinance fixing the salaries of each and every appointed officer, employee, deputy assistant, departmental and institutional head of the Civil City and City Utilities of the City of Fort Wayne, Indiana for the year 1984 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Victure L. Scruggs
Janet G. Bradbury
Ben A. Eisbart
Paul M. Burns
Mark E. GiaQuinta
Samuel J. Talarico

Concurred in 7-26-83

Sandra E. Kennedy
City Clerk

BILL NO. S-83-07-22

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS

WE, YOUR COMMITTEE ON PUBLIC RELATIONS TO WHOM WAS REFERRED AN
ORDINANCE approving the incorporation of legislative amendments
to the Conservancy District Statutes, and authorizing such legal
action as is necessary to conform the present Petition to Establish
a Conservancy District and prosecute the same to the complete
establishment of a Conservancy District

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

ROY J. SCHOMBURG, VICE CHAIRMAN

VICTURE L. SCRUGGS

JANET G. BRADBURY

BEN A. EISBART

PAUL M. BURNS

MARK E. GIAQUINTA

DONALD J. SCHMIDT

SAMUEL J. TALARICO

James S. Stier

Victure Scruggs
Janet G. Bradbury
Ben A. Eisbart

Paul M. Burns
Mark E. Giaquinta
Donald J. Schmidt
Samuel J. Talarico

Concurred in 7-26-83 Sandra E. Kennedy